

Chapter 390-14 WAC

ACCESS TO PUBLIC RECORDS OF THE PUBLIC DISCLOSURE COMMISSION

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

390-14-010	Public records available. [Order 62, § 390-14-010, filed 8/26/75.] Repealed by 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).
390-14-055	Record request form. [Statutory Authority: RCW 42.17.370. 92-24-015, § 390-14-055, filed 11/20/92, effective 12/21/92; Order 62, § 390-14-055, filed 8/26/75.] Repealed by 99-12-051, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370(1).
390-14-105	List of elected public officials—Responsibility for developing. [Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-14-105, filed 7/9/85; Order 62, § 390-14-105, filed 8/26/75.] Repealed by 99-12-052, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370(1).

WAC 390-14-015 Public records officer. The executive director is the commission's public records officer. The public records officer is responsible for implementing the commission's administrative rules regarding release of public records, coordinating the staff of the commission in this regard, and insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.370(1). 99-12-057, § 390-14-015, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-015, filed 7/9/85; Order 62, § 390-14-015, filed 8/26/75.]

WAC 390-14-020 Hours for records inspection and copying. Public records shall be available for inspection and copying weekdays, excluding legal holidays, between 8:00 a.m. and 5:00 p.m.

[Statutory Authority: RCW 42.17.370(1). 99-12-058, § 390-14-020, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-020, filed 7/9/85; Order 62, § 390-14-020, filed 8/26/75.]

WAC 390-14-025 Requests for public records. (1) In accordance with requirements of chapter 42.17 RCW that agencies provide full public access to public records, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, requests to inspect or copy public records may be made in person, by letter, by telephone or by electronic means.

The commission office is located at 711 Capitol Way, Room 206, Evergreen Plaza Building, Olympia, Washington. The mailing address is: Public Disclosure Commission, P.O.

(1/4/02)

Box 40908, Olympia, WA 98504-0908. Telephone number: (360) 753-1111. Toll-free telephone number: 1-877-601-2828. Facsimile number: (360) 753-1112. Electronic mail: pdcc@pdcc.wa.gov.

(2) Whenever a member of the public requests assistance, the staff member to whom the request is made shall assist the member of the public in identifying the appropriate public record.

[Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-14-025, filed 1/4/02, effective 2/4/02; 99-12-059, § 390-14-025, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-025, filed 7/9/85; Order 64, § 390-14-025, filed 11/25/75; Order 62, § 390-14-025, filed 8/26/75.]

WAC 390-14-026 Access goals to campaign and lobbying reports. The commission sets the following goals for access to all reports, copies or reports, or copies of data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180.

(1) In January of 2001, when reports are filed with the commission, staff will endeavor to make the report available as follows:

(a) Submitted by electronic means:

(i) Available in the commission office within two business days and;

(ii) Available on the commission web site within four business days.

(b) Submitted on paper:

(i) Available in the commission office within four business days and;

(ii) Available on the commission web site within seven business days.

(2) In January of 2002, when reports are filed with the commission, staff will endeavor to make the report available as follows:

(a) Submitted by electronic means available in the commission office and on the commission web site within two business days and;

(b) Submitted by paper, available in the commission office and on the commission web site within four business days.

[Statutory Authority: RCW 42.17.370(1). 00-22-058, § 390-14-026, filed 10/27/00, effective 11/27/00.]

WAC 390-14-030 Copying of public records. No fee shall be charged for the inspection of public records. The commission shall charge a fee of:

• Ten cents per page for paper copies of public records maintained on paper or electronically;

• Twenty-five cents per film for copies of public records maintained on microfiche;

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- Twenty cents per diskette for copies of electronically maintained public records; and
- Two dollars per CD ROM for copies of electronically maintained public records.

The commission shall charge persons who use agency equipment to make paper copies from microfiche ten cents per page. These charges are the amounts necessary to reimburse the commission for its actual costs incident to copying, including the use of the commission's equipment. Charges will not be assessed if the total cost involved in a particular request is less than one dollar.

[Statutory Authority: RCW 42.17.370(1). 99-12-060, § 390-14-030, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-030, filed 7/9/85; 82-18-031 (Order 82-06), § 390-14-030, filed 8/25/82; 82-05-001 (Order 82-01), § 390-14-030, filed 2/4/82; Order 62, § 390-14-030, filed 8/26/75.]

WAC 390-14-035 Exempting records from public inspection. (1) The public records officer shall delete information from any record prior to permitting public inspection or copying if the information is exempt from disclosure according to RCW 42.17.310, another section of chapter 42.17 RCW or other law. After such data is deleted, the remainder of the record shall be made available.

(2) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.370(1). 99-12-061, § 390-14-035, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-035, filed 7/9/85; Order 62, § 390-14-035, filed 8/26/75.]

WAC 390-14-040 Internal review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decision by tendering a written request for review to the public records officer. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer shall refer it to the chair of the commission. The chair shall immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial in accordance with RCW 42.17.320.

[Statutory Authority: RCW 42.17.370(1). 99-12-062, § 390-14-040, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.390. 94-05-010, § 390-14-040, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-14-040, filed 7/9/85; Order 62, § 390-14-040, filed 8/26/75.]

WAC 390-14-045 Records index. (1) The commission has established and implemented a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the commission has maintained an index.

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(b) Final adjudicative orders and declaratory orders issued after June 30, 1990, that contain an analysis or decision of substantial importance to the commission in carrying out its duties.

(c) Interpretive and policy statements that were issued after June 30, 1990.

(2) Final and declaratory orders shall be evaluated by the executive director or executive director's designee. Those orders which are determined to have substantial importance shall be indexed.

(3) Final orders shall be indexed by the name of the person against whom the order was issued and by citation to the law involved.

(4) Declaratory orders shall be indexed by number, subject matter, phrase describing the issue or holding and citation to the law involved.

(5) Interpretive statements and policy statements shall be indexed by number and subject matter.

(6) The indexes are available for public inspection and copying weekdays, excluding legal holidays, between 8:00 a.m. and 5:00 p.m. at the Public Disclosure Commission, 711 Capitol Way, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908.

(7) The indexes shall be updated quarterly.

[Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-14-045, filed 1/4/02, effective 2/4/02; 99-12-063, § 390-14-045, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370. 91-16-072, § 390-14-045, filed 8/2/91, effective 9/2/91. Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-14-045, filed 7/9/85; Order 62, § 390-14-045, filed 8/26/75.]

WAC 390-14-100 List of elected public officials. (1) The public disclosure commission shall prepare a list of all state elected officials of the state of Washington. The list shall be updated annually by January 15.

(2) The list shall contain the names of those entities that are reported by state elected officials and successful candidates for state office pursuant to RCW 42.17.241 (1)(g).

[Statutory Authority: RCW 42.17.370(1). 99-12-064, § 390-14-100, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-100, filed 7/9/85; 80-05-097 (Order 80-05), § 390-14-100, filed 5/2/80; 79-10-017 (Order 79-05), § 390-14-100, filed 9/7/79; Order 62, § 390-14-100, filed 8/26/75.]

WAC 390-14-110 List of elected public officials—Name not on list, impact. (1) The commission has as part of its authority the power to suspend or modify reporting requirements of chapter 42.17 RCW, if it finds after hearing that literal application of the act would work a manifestly unreasonable hardship and suspension or modification will not frustrate the purposes of the act.

(2) The commission shall presume it is a manifestly unreasonable hardship for a lobbyist employer or other person filing PDC Form C-7 pursuant to RCW 42.17.180 to report the compensation paid to a state elected official, a successful candidate for state office, an immediate family member of a state elected official or successful candidate for state office, or a corporation, partnership, joint venture, association, union or other entity in which one of these individuals holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more, if:

(a) The name of such official, candidate, family member or entity does not appear on the most recent list of state elected officials prepared by the commission pursuant to WAC 390-14-100; and

(b) The lobbyist employer or other filer does not have actual knowledge of compensation being paid to such official, candidate, family member or entity.

[Statutory Authority: RCW 42.17.370(1), 99-12-065, § 390-14-110, filed 5/27/99, effective 6/27/99; 80-05-097 (Order 80-05), § 390-14-110, filed 5/2/80; Order 62, § 390-14-110, filed 8/26/75.]